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VICTOR M. RIOS

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

ROBERT CULLEN,

Plaintiff,

vs.

ZOOM VIDEO

COMMUNICATIONS, INC.,

Defendant.

Case No: 5:2020cv02155

**NOTICE OF RELATED CASE
PURSUANT TO CIVIL L.R. 3-12 TO
BE FILED IN CASE NO.
5:2020cv02155; ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
CASES SHOULD BE RELATED
PURSUANT TO CIVIL L.R. 7-11**

CLASS ACTION

NOTICE OF RELATED CASE PURSUANT TO CIVIL L.R. 3-12 TO BE FILED IN CASE NO. 5:20-CV-03670;
ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED PURSUANT TO CIVIL L.R.

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that a related case *Victor M. Rios v. Zoom Video*
 3 *Communications, Inc.* Case No. 5:20-cv-03670, was filed on June 2, 2020, in the United
 4 States District Court for the Northern District of California. Filing party believes there are
 5 a number of other cases also related to this case, and those case are listed herein.

6 Pursuant to Civil Local Rules 3-12(b) and 7-11 of the United States District Court
 7 of the Northern District of California, Victor Rios submits this Administrative Motion to
 8 Consider whether Cases Should be Related.

9 **1. Standard under Civil Local Rule 3012**

10 Under Civil Local Rule 3-12(a) an “action is related to another when : (1) The
 11 actions concern substantially the same parties, property, transaction or event; and (2) it
 12 appears likely that there will be an unduly burdensome duplication of labor and expense or
 13 conflicting results if the cases are conducted before different judges.”

14 Whenever a party knows or believes that an action may be related to an action
 15 which is or was pending in the Northern District, said party “must promptly file in the
 16 earliest filed case an Administrative Motion to Consider Whether Cases Should Be
 17 Related, pursuant to Civil Local Rule 7-11.

18 **2. Related Cases**

19 The *Victor M. Rios v. Zoom Video Communications, Inc.* action Case No. 5:20-cv-
 20 03670 should be related to *Cullen v. Zoom Video Communications, Inc.* Case No.
 21 5:2020cv02155. The following actions also appear related and are all assigned to Judge
 22 Lucy H. Koh:

23 5:2020cv02170 - Taylor v. ZoomVideo Communications, Inc.

24 5:2020cv02353 - Drieu v. ZoomVideo Communications, Inc.

25 5:2020cv02376 - Johnston v. ZoomVideo Communications, Inc.

26 5:2020cv02396 - Brams v. ZoomVideo Communications, Inc.

27 5:2020cv02520 - Kondrat v. ZoomVideo Communications, Inc.

28 NOTICE OF RELATED CASE PURSUANT TO CIVIL L.R. 3-12 TO BE FILED IN CASE NO. 5:20-CV-03670;
 ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED PURSUANT TO CIVIL L.R.

1 5:2020cv02170 -Jimenez v. ZoomVideo Communications, Inc.
 2 5:2020cv02592 - Lawton v. ZoomVideo Communications, Inc.
 3 5:2020cv02620 - Hartmann v. ZoomVideo Communications, Inc.
 4 5:2020cv02893 - Simins v. ZoomVideo Communications, Inc.
 5 5:2020cv02939 - Buxbaum v. ZoomVideo Communications, Inc.
 6 5:2020cv03042 - Kirpekar v. ZoomVideo Communications, Inc.
 7 5:2020cv03252 – Saint Paulus Lutheran Church v. ZoomVideo Communications,
 8 Inc. The *Victor M. Rios v. Zoom Video Communications, Inc.* action and the apparently
 9 related cases all involve the same defendant and concern allegations of similar wrongful
 10 acts and occurrences, namely the sharing of personal information with third parties, the
 11 failure to safeguard users' personal information, the failure to provide adequate security to
 12 avoid breach and infiltration (e.g., "Zoombombing") of users' videoconferences; and the
 13 use of unfair, unlawful, and deceptive business practices relating to Zoom's data security.
 14 As a result, the cases all require determination of substantially the same questions of fact
 15 and law.

16 Accordingly, it appears likely that there will be an unduly burdensome duplication
 17 of labor and expense or the possibility of conflicting results if the cases proceed before
 18 difference judges.

19 3. Conclusion

20 As set forth above, the case of *Cullen v. Zoom Video Communications, Inc.* Case
 21 No. 5:2020cv02155 action is related to *Victor M. Rios v. Zoom Video Communications,*
 22 *Inc.* Case No. 5:20cv-03670 and to the other cases which it appears have been previously
 23 related to the Cullen case, or otherwise assigned to Judge Koh based upon their
 24 commonality.

25 DATED: June 2, 2020



26
 27 TIMOTHY J. TOMLIN
 28 Attorney for Plaintiff

PROOF OF ELECTRONIC SERVICE

I declare that:

I am employed in Marin County, California.

I am over the age of eighteen years and not a party to the within action or cause; that my business address and place of employment is Law Offices of John L. Fallat, 68 Mitchell Boulevard, Suite 135, San Rafael, CA 94903-2046. I served the attached document entitled "*NOTICE OF RELATED CASE PURSUANT TO CIVIL L.R. 3-12 TO BE FILED IN CASE NO. 5:2020CV02155; ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED PURSUANT TO CIVIL L.R. 7-11*" on the interested parties in said cause:

☐ BY MAIL: I placed a copy of said document in a sealed envelope with postage fully prepaid thereon in the United States mail at Burlingame, California on June 4, 2020

☐ BY PERSONAL SERVICE: I caused a copy of said document to be placed in a sealed envelope to be delivered by hand to the office(s) of the addressee(s) on the date below.

☐ BY FEDERAL EXPRESS: I caused a copy of said document to be placed in a sealed envelope to be delivered to Federal Express for overnight courier service to the Office(s) of the addressee(s) on the date below.

☐ BY FACSIMILE: I caused a copy of said document to be sent via FACSIMILE to the addressee(s), as above, on June 4, 2020

☒ BY ELECTRONIC TRANSMISSION: I caused all of the above-entitled documents to be served through the United States District Court, Northern District of California electronic service list by selecting the individual recipients on the court's website on the date executed below. The file transmission was reported as complete and a copy of the filing receipt page will be maintained with the original documents in our office.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 4, 2020 at San Rafael, California.

/s/ ROXANNE CULLEN

ROXANNE CULLEN